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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,344

01/05/2005

Kurt Van Wersch

VAN WERSCH 8 PCT

2658

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01/09/2008

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EXAMINER

VANATTA, AMY B

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

01/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/520,344

Applicant(s)

VAN WERSCH, KURT

Examiner

Amy B. Vanatta

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01052005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 1/5/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specifically, foreign patent documents listed on the PTO-1449 as AN, AO, and AR have not been considered because no copies of the references has been received. Applicant is requested to provides copies.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, the recitation "among other things" renders the claim indefinite since it is unclear whether these unspecified "other things" are being claimed.

In claim 1, line 3, "particularly one consisting of denim goods" renders the claim indefinite because it is unclear whether the limitation of denim goods is actually being claimed.

In claim 1, the structural relationship between the series of guide rollers and the hot flue, as recited in line 4, is unclear. It is unclear where the guide rollers are positioned relative to the hot flue.

In claim 1, line 5, it is unclear to what "each" refers. I.e. is each series in one horizontal plane or is each roller in one horizontal plane?

In claim 1, line 6, the means that "precede and follow" is indefinite because it is unclear *what* the means precedes and follows.

In claim 1, lines 6-7, the parenthetical recitation renders the claim indefinite because it is unclear whether the limitation(s) in parentheses are actually being claimed.

In claim 1, lines 8-9, the recitation of "at least one series of guide rollers" renders the claim indefinite since only one series ("a series", line 4) was previously recited. It is unclear how this "at least one series" is related to the previous recited one series.

In claim 2, line 5, "the other roller series" renders the claim indefinite, since in claim 1, line 4, only "a series" was set forth.

Claim 2, line 4, recites "the average transport direction" without proper antecedent basis.

In claim 2, line 5, "in each instance" renders the claim indefinite, since it is unclear what "instances" are being referred to.

Claim 3 is indefinite in that it appears to be drawn to two different statutory classes of invention in that it recites a method and also apparatus limitations (as being dependent upon apparatus claim 1). Also, it is unclear exactly what structural elements are being recited and how these elements are used in the recited manipulative steps.

More specifically, it is unclear how the step of simultaneous skewing and drying of the web is related to the structure of the apparatus, i.e. the elements, for example the slanted rollers, used for this skewing should be positively set forth in connection with the skewing step and the elements used for drying should be clarified.

Claim 3 recites "the circulating air" without proper antecedent basis.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hakanson (US 4,015,318).

Hakanson discloses a device including a series of guide rollers (19,21,23 and 20,22) mounted essentially in one horizontal plane each and a dryer (26) which forms "at least one hot flue". Means (rollers 16,17 and rollers 24,25) are provided which precede and follow for exerting a lengthwise draw on the web as claimed. At least one group (19,21,23) of at least one series of guide rollers is mounted tilted at a slant in one direction, in relation to the horizontal plane that passes through the series of guide rollers, as claimed (see Fig. 2 and col. 3, lines 28-39). The rollers are slanted in the manner set forth in claim 2 (col. 3, lines 28-39).

***Allowable Subject Matter***

6. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose the performing of simultaneous skewing and drying of the web in a hot flue by means of a series of guide rollers mounted in the hot flue which include slanted or tilted rollers for skewing and with circulating air in the hot flue for drying.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/520,344  
Art Unit: 3765

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Amy B Vanatta  
Primary Examiner  
Art Unit 3765